

AMENDED IN SENATE AUGUST 25, 1999

AMENDED IN SENATE AUGUST 17, 1999

AMENDED IN SENATE JULY 8, 1999

AMENDED IN ASSEMBLY APRIL 22, 1999

AMENDED IN ASSEMBLY APRIL 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 982

Introduced by Assembly Member Ducheny

February 25, 1999

An act to add Sections 13191 and 13192 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 982, as amended, Ducheny. Water quality: total maximum daily loads.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with regulatory authority over water quality. Under the federal Clean Water Act, each state is required to identify those waters for which prescribed effluent limitations are not stringent enough to implement applicable water quality standards and to establish, with regard to those waters, total maximum daily loads, subject to the approval of the United States Environmental Protection Agency, for certain

pollutants at a level necessary to implement those water quality standards.

This bill would require the state board to convene an advisory group or groups to assist in the evaluation of program structure and effectiveness as it relates to the implementation of the requirements of a specified provision of the federal Clean Water Act and applicable federal regulations. The bill also would require the state board to report, on or before November 30, 2000, and annually thereafter until November 20, 2002, to the Legislature on the structure and effectiveness of its water quality program as it relates to that provision of the federal Clean Water Act. The bill, in addition, would require the state board, on or before November 30, 2000, to assess and report to the Legislature on the state board's and the regional board's current surface water quality monitoring programs, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13191 is added to the Water
2 Code, to read:
3 13191. (a) The state board shall convene an advisory
4 group or groups to assist in the evaluation of program
5 structure and effectiveness as it relates to the
6 implementation of the requirements of Section 303(d) of
7 the Clean Water Act (33 U.S.C. 1313(d)), and applicable
8 federal regulations and monitoring and assessment
9 programs. The advisory group or groups shall be
10 comprised of persons concerned with the requirements
11 of Section 303(d) of the Clean Water Act. The state board
12 shall provide public notice on its website of any meetings
13 of the advisory group or groups and, upon the request of
14 any party shall mail notice of the time and location of any
15 meeting of the group or groups. The board shall also
16 ensure that the advisory group or groups meet in a
17 manner that facilitates the effective participation of the
18 public and the stakeholder participants.



1 (b) Notwithstanding Section 7550.5 of the
2 Government Code, on or before November 30, 2000, and
3 annually thereafter until November 30, 2002, the state
4 board shall report to the Legislature on the structure and
5 effectiveness of its water quality program as it relates to
6 Section 303(d) of the Clean Water Act. The report may
7 include the information required to be submitted by the
8 board to the United States Environmental Protection
9 Agency pursuant to Section 305(b) of the Clean Water
10 Act, and any information required to be submitted to the
11 Legislature pursuant to the Supplemental Report of the
12 Budget Act of 1999. In formulating its report, the state
13 board shall consider any recommendations of the
14 advisory group or groups.

15 SEC. 2. Section 13192 is added to the Water Code, to
16 read:

17 13192. (a) Notwithstanding Section 7550.5 of the
18 Government Code, the state board, on or before
19 November 30, 2000, shall assess and report to the
20 Legislature on the State Water Resources Control Board's
21 and regional water control board's current surface water
22 quality monitoring programs for the purpose of designing
23 a proposal for a ~~unified and~~ comprehensive surface water
24 quality monitoring program for the state. The report shall
25 include a proposal for the program, including steps and
26 costs associated with developing the full program, cost of
27 implementation of the program after development, and
28 appropriate funding mechanisms, including any fee
29 structure. The board may include in the report
30 information required to be submitted to the United States
31 Environmental Protection Agency pursuant to Section
32 305(b) of the Clean Water Act, information required to
33 be submitted pursuant to paragraph (1) of subdivision
34 ~~(b)~~ (c) of Section 13181, and any information required to
35 be submitted to the Legislature pursuant to the
36 Supplemental Report of the Budget Act of 1999.

37 (b) In considering and designing the proposal, the
38 state board shall address factors that include, but need not
39 be limited to, all of the following:

1 (1) Physical, chemical, biological, and other
2 parameters about which the program shall collect and
3 evaluate data and other information and the reasonable
4 means to ensure that the data is accurate in determining
5 ambient water quality.

6 (2) The use of models and other forms of information
7 not directly measuring water quality.

8 (3) Reasonable quality assurance and quality control
9 protocols sufficient to allow sound management while
10 allowing and encouraging, where appropriate, data
11 collection by entities including citizens and other
12 stakeholders, such as dischargers.

13 (4) A strategy to expeditiously develop information
14 about waters concerning which the state presently
15 possesses little or no information.

16 (5) A strategy for assuring that data collected as part
17 of monitoring programs, and any associated quality
18 assurance elements associated with the data collection, be
19 made readily available to the public.

20 (6) A strategy for assessing and characterizing
21 discharges from nonpoint sources of pollution and natural
22 background sources.

23 (7) A strategy to prioritize and allocate resources in
24 order to effectively meet water quality monitoring goals.

25 (c) Nothing in this section affects the authority of the
26 regional water quality control boards.

